

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 4:25-cv-10017-LEIBOWITZ

LORETTA M. DITOCCO,

Plaintiff,

v.

ELON MUSK, et al.,

Defendants.

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ORDER CLOSING CASE

THIS CAUSE is before the Court upon a *sua sponte* examination of the record. *Pro se* Plaintiff filed this action on February 20, 2025. [ECF No. 1]. That same day, summonses were issued for Defendants. [ECF No. 5]. On March 17, 2025, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to effectuate service of process on Defendants, as required by Rule 4 of the Federal Rules of Civil Procedure. [ECF No. 9]. The Court also directed Plaintiff to serve a copy of the summonses and complaint on Defendants no later than May 21, 2025, cautioning Plaintiff that the case would be dismissed under Rule 4(m) unless service was accomplished by that date. [*Id.* at 1].


On May 19, 2025, Plaintiff responded to the Court's Show Cause Order, providing copies that showed Plaintiff had mailed items to all Defendants at the same Washington, D.C. address, which service was ineffective. [*See* ECF No. 10]. On May 28, 2025, the Court dismissed the Complaint for failure to effectuate service of process. [ECF No. 12]. The Court, however, allowed Plaintiff the opportunity to attempt to cure her service and pleading defects if she could do so by June 30, 2025. [*Id.* at 4]. The Court cautioned Plaintiff that this case would be dismissed if she failed to submit an Amended Complaint that complied with the Court's directives by the deadline. [*Id.*]. That deadline has passed and Plaintiff has failed to comply.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure effectuate services as required by

Rule 4(m). See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (“The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”); see also *Middlebrooks v. City of Macon-Bibb Cnty., Ga.*, No. 5:23-cv-00083-TES, 2024 WL 555884, at *12 (M.D. Ga. Feb. 12, 2024) (citing *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989)) (affirming dismissal of action with prejudice for failure to comply with a court orders and court rules).

The Clerk is DIRECTED to CLOSE THIS CASE.

DONE AND ORDERED in the Southern District of Florida on July 17, 2025.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc:

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